

PROPOSED DEVELOPMENT CONDITIONS

SEA 94-M-047-02

October 24, 2014

If it is the intent of the Board of Supervisors to approve Special Exception Amendment SEA 94-M-047-02, previously approved for a fast food restaurant; a fast food restaurant with a drive-through window; a drive-in financial institution in a Highway Corridor Overlay District; a reduction in land area; a waiver of certain sign regulations; and modifications and waivers in a CRD, located at Tax Map 51-3 ((1)) 29A and 51-3 ((16)) (B) 1A, to permit an expansion of a retail sales establishment-large; a reduction in land area; site modifications; and a reaffirmation of the previous approvals, pursuant to Sections 4-704, 7-607, 9-501, 9-620, 9-622, and 12-203 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions for the subject property. (Those conditions that are identical to conditions that were included in previous approvals or that contain only minor editorial changes are marked with an asterisk*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Where there is a conflict between the SEA Plat (including the notes thereon) and these conditions, these conditions shall govern the development.*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception amendment for the expansion of the retail sales establishment-large shall be in substantial conformance with the special exception amendment (SEA) plat entitled "Home Depot at Seven Corners Shopping Center," prepared by Walter L. Phillips, Inc., dated March 13, 2014, and revised through October 3, 2014, consisting of five (5) sheets, and these conditions.

Any plan submitted pursuant to SEA 94-M-047 for the fast food restaurant or drive-in bank in a Highway Corridor Overlay District; building additions (including an additional fast food restaurant and an additional fast food restaurant with a drive-through window) shall be in substantial conformance with the SEA plat entitled "Seven Corners Shopping Center" prepared by Walter L. Phillips, Inc., dated October 18, 2002, and revised through August 30, 2005, consisting of three (3) sheets, and these conditions. Minor modifications to the approved special exception/special exception amendment(s) may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. The only changes to the uses in and/or the buildings and layout of the shopping center (from that reflected on the SEA plats), which may be permitted without an amendment to this Special Exception Amendment are those which: (a) do not require approval of a Special Exception Amendment; (b) do not involve the circulation, parking, layout or landscaping of any free-standing fast food restaurant or the drive-through bank; and (c) do not involve the bus transit center or any on-site bus circulation associated with the transit center.*
5. Prior to each site plan approval, an on-site directional sign plan shall be developed and implemented that facilitates the movement of pedestrians, buses, automobiles and delivery vehicles through the site, subject to approval by DPWES and the Fairfax County Department of Transportation (FCDOT).*
6. Signage
 - (a) Two free-standing signs shall be allowed as shown on the SEA Plats: one on the Route 50 frontage and one on the Route 7 frontage. Each free-standing sign shall have a maximum height of 25 feet and a maximum sign area of 171 square feet per side. Approval of the exact location of each sign shall be as approved by the Director of the Department of Public Works and Environmental Services.*
 - (b) No promotional signage shall be permitted on any light poles; however, this shall not preclude the display of seasonal banners for the shopping center.*
 - (c) All other signage shall conform to the following: signage shall be in conformance with Article 12 of the Zoning Ordinance; no pole-mounted signs shall be permitted; no temporary signs (including "popsicle" style paper or cardboard signs), and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on-site or off-site; there shall be no advertising signage and/or promotional displays including banners, flags, inflated balloons, or figures displayed on the roof, the external sides of the building, lightpoles, windows, or anywhere else on the Special Exception Amendment site.
7. All new or replacement lighting, including security, pedestrian and/or other, incidental lighting, shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. This shall not preclude the installation of new bulbs in existing fixtures that do not meet current standards.*
8. Prior to each site plan approval, a landscaping plan for the portion of the shopping center under said site plan shall be approved by the Urban Forest Management Division (UFMD). At a minimum, landscaping shall be provided that is consistent in quantity and quality with that depicted on the SEA Plats.

9. Within 60 days of written notice from the County that funding for preliminary engineering is available for the construction of the portion of the adopted Route 7 Improvement Plan (VDOT Project 0007-029-117, PE 101, approved by the Virginia Commonwealth Transportation Board after a public hearing on October 23, 1990) located along the site's frontage, right-of-way as shown on the SEA Plat along Route 7 shall be dedicated in fee simple to the Board of Supervisors (at no cost) in accordance with the adopted plan, along with all necessary ancillary easements (including temporary construction easements and permanent maintenance and utility easements), as determined by FCDOT.*

10. Transit Facility

- (a) The applicant shall contribute \$7,200 per year (\$600 per month), to Fairfax County for routine maintenance of the transit facility, starting at such time as operation of the new transit center commences, and continuing on an annual basis thereafter, for a period of ten years, or until such time as the applicant elects to provide day-to-day upkeep of the transit center area in accordance with Part (b) of this condition, whichever occurs first. The contribution amount shall be adjusted by increases to the *Marshall and Swift Building Cost Index* from the date of the Board of Supervisors' approval of SEA 94-M-047 (September 26, 2005) to the date of each contribution.*
- (b) In the event that, prior to the expiration of the required maintenance contributions, the applicant elects to maintain the transit center, the applicant shall, thereafter and in perpetuity perform day to day upkeep of the transit facility to include trash removal, cleaning, and mowing and landscape repair and replacement, but excluding capital repair or replacement of facilities.*
11. At the time of site plan approval or within 60 days of written notice (whichever occurs first), the applicant shall dedicate an appropriate, non-exclusive, ingress-egress easement across the site as necessary to provide bus access (public or other transit agency) through the site and to the transit center, in the locations shown on Sheet 3 of the SEA Plat for SEA 94-M-047 and labeled thereon as "Metro Bus Circulation On-Site." Minor modifications to the location of the access easement shall be permitted, as deemed appropriate by FCDOT in consultation with the applicant and WMATA (or other appropriate transit agencies).*
12. Parking tabs demonstrating compliance with the parking requirements of the Fairfax County Zoning Ordinance for the proposed uses shall be provided at the time of each Non-Residential Use Permit (Non-RUP), adjusted for parking reductions, as approved by the Board of Supervisors.
13. To the extent that can be accommodated by the parking spaces available on Parcel 29A (on the north side of Route 50), employees of businesses located on the Route 50 side of the shopping center shall be required to park on Parcel 29A from the week prior to Thanksgiving through January 1st of each year. Such requirement

shall be included in the Seven Corners Shopping Center's Rules and Regulations, and in specific lease language in future leases for tenant spaces on the Route 50 side of the center.*

14. No parking spaces shall be sold to or restricted for use only by specific shopping center tenants, other users, or uses.*

Fast Food Pad Sites

15. The proposed fast food restaurants (Pads 3 & 4) shall utilize building materials and colors that are consistent or compatible with those used in the main shopping center. Architectural treatments shall be the same on all four sides of the fast food restaurants. Demonstration of existing and proposed building materials shall be submitted to DPWES with the building permit for each fast food restaurant.*
16. Outdoor seating may be provided for the proposed fast food restaurants (Pads 3 & 4), so long as such seating does not block any sidewalks or other pedestrian connections.*

Retail Sales Establishment - Large

17. The applicant shall provide two bicycle parking facilities for visitors to accommodate a minimum of 16 bicycles, by main store entrances as depicted on the SEA plat for the Retail Sales Establishment – Large, and shall be consistent with the Fairfax County Policy and Guidelines for Bicycle Parking for the proposed development. The applicant shall provide secure interior bicycle storage spaces for all employees that request such spaces. Secure interior storage shall accommodate at least eight (8) bicycles.
18. The owner/applicant shall make the appropriate improvements to pedestrian facilities as depicted on the SEA plat. Additionally, the applicant shall make any necessary improvements to existing connecting facilities along the identified pedestrian paths to ensure that curb ramps, crosswalks, and other necessary facilities are installed and constructed to current standards.
19. Rumble strips shall be provided as generally depicted on the SEA Plat.
20. Wayfinding signage shall be installed to direct pedestrians to the store entrance, as generally depicted on the SEA Plat.
21. Directional signage and mirrors shall be installed within the parking deck area, as generally depicted on the SEA Plat, to safely direct motorists to upper parking levels.
22. There shall be no storage, inventory, or assembly of recently unloaded items; storage, display, or sale of merchandise; storage of assembled racking components;

or any other use which would preclude the use of parking spaces for the parking of motor vehicles.

All bulk materials delivered to the store will be brought inside the store within 48-hours following the date of delivery and, while remaining outside of the store, will be packaged, palletized and/or shrink wrapped to ensure that such materials remain confined to their respective packaging.

23. During the active construction phase of the store renovation and proposed expansion, the applicant shall be permitted, pursuant to a temporary special permit, temporary construction permit, and/or site plan, to use parking spaces for the outdoor storage of construction materials, for the temporary placement of store materials, merchandise, and equipment, as a construction materials staging area, and as a construction management office.
24. On a daily basis, the area north and east of the use extending to the parcel boundaries (with the exception of the area north of the adjacent restaurant and the eastern transitional screening area) including parking lots, parking decks, stairwells, escalators, and ramps, shall be inspected and any litter or debris picked up and disposed of. With the exception of the initial removal of trash by the owner/applicant from the transitional screening area prior to supplemental planting, as required by Condition #29, the removal of litter and debris from the eastern transitional screening area shall be the responsibility of the property owner.
25. A copy of this Special Exception Amendment shall be posted in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to any Department of the County of Fairfax during hours of operation of the permitted use*
26. Landscaping shall be provided in general as shown on Sheets 3 and 4 of the SEA plat. The exact number, size, and spacing of trees and other plant materials shall be submitted at the time of final site plan review or, if no site plan is required, then prior to the issuance of a Non-RUP for the retail sales establishment – large, and shall be subject to the review and approval of UFMD. All landscaping provided shall be native to the Middle Atlantic region, to the extent feasible, and shall be non-invasive, as determined by UFMD.
27. All ash trees identified for removal shall be replaced with another Category III or IV deciduous tree (such as blackgum, Kentucky coffeetree, swamp white oak, or willow oak). The condition of all ash trees not identified for removal shall be reevaluated by the Project Arborist at the time of supplemental landscaping installation. If any remaining ash trees show the presence of Emerald Ash Borer, they shall be removed and replaced with another Category III or IV deciduous tree.
28. Additional landscaping shall be provided, as generally depicted on the SEA plat, in the form of evergreens (including Eastern redcedars) to fill gaps contained within

transitional screening areas where the intent is not being met and little to no tree cover exists on the eastern side of the existing fence, as approved by UFMD.

29. All trash and debris within the transitional screening area along the eastern property boundary shall be hand-removed prior to the installation of supplemental plant materials.
30. The landscape contractor shall notify UFMD for a walk-through inspection and final review prior to the issuance of a Non-RUP for the retail establishment-large.
31. An invasive species management plan shall be submitted as part of the first and all subsequent site plan submissions, or if no site plan is required, then prior to the issuance of a Non-RUP for the retail sales establishment – large, detailing how invasive and undesirable vegetation within the landscape areas as depicted on Sheets 3 and 4 of the SEA plat for the retail sales establishment - large will be removed and managed. The recommendations of this plan shall be implemented to the satisfaction of UFMD prior to the issuance of a Non-RUP. The invasive species management plan shall include the following information:
 - Undesirable and invasive plant species to be suppressed and managed;
 - Targeted area of undesirable and invasive plant species, which shall be identified on the landscape or tree preservation plan;
 - Recommended government and industry method(s) of management, i.e. hand removal, mechanical removal, chemical control, and/or other methods; the potential impacts of recommended method(s) on surrounding trees and vegetation not targeted for suppression/management; and protection measures for surrounding trees and vegetation not targeted for suppression/management, to avoid or reduce these impacts;
 - Methods to reduce regrowth;
 - Disposal methods of the targeted species; and
 - Timing of the selected treatments, to include the specification of the beginning and end of each treatment during a season; and the proposed frequency of treatments per season.

If chemical control is recommended, treatments shall be performed by or under the direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of the Project Arborist.

Monthly monitoring reports shall be provided to UFMD and SDID staff.

The invasive species management program shall continue until Bond release; the release of the Conservation Deposit; or prior to release if targeted plant(s) appear to be eliminated based on documentation provided by the Project Arborist and confirmed through an inspection by UFMD staff.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.